

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PCCP CONSTRUCTORS, JOINT)	
VENTURE,)	
)	Nos. 24-624, 24-645, 24-646,
Plaintiff,)	24-647, 24-648
)	(Judge Hadji)
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Plaintiff, PCCP Constructors, Joint Venture (PCCP JV) and defendant, the United States, submit this Joint Status Report (JSR) per the Court's order dated December 16, 2024, pertaining to Case Nos. 24-624, 24-645, 24-646, 24-647, and 24-648. ECF No. 15.

These five cases arise from work performed by PCCP JV on the Permanent Canal Closure and Pumps Project in New Orleans, Louisiana (Project) under contract no. W912P8-12-C-0049 (Contract) issued by the U.S. Army Corps of Engineers (USACE). Each case challenges a separate Contracting Officer's Final Decision (COFD). As the parties previously reported, each of the COFDs was the subject of a pre-litigation settlement agreement, and each agreement is contingent upon PCCP JV's completion of certain remediation work. The pre-litigation settlement agreements are incorporated into the Contract by modification.

Each of pre-litigation settlement agreements states that upon issuance of a Letter of Acceptance for the remediation work, USACE will withdraw the COFD and PCCP JV will dismiss the suit related to the COFD. The parties previously requested that the Court stay these cases pending completion of the agreed-upon remediation work set forth in the pre-litigation settlement agreements. *See* No. 24-624, ECF No. 9 (requesting stay until July 2026); Nos. 24-645, 24-646, 24-647, ECF No. 9 (requesting stay until October 2024); No. 24-648, ECF No. 9

(requesting stay until October 2025). The Court denied these requests and directed the parties to file “an identical joint status report for all five cases on or before **December 13, 2024**, updating the Court on whether each of the five cases have been resolved without the need for further proceedings or whether the parties intend to pursue litigation.” ECF No. 13 at 2.

The parties, accordingly, filed a joint status report on December 13, 2024, indicating that “they do not intend to pursue litigation in any of the five cases.” ECF No. 14 at 2. The parties further reported that although the cases had not yet been resolved, the parties were “on a path to do so and anticipate[d] that all such cases will be dismissed on or before February 11, 2025.” *Id.* The parties requested the Government’s deadline to respond to the complaints remain suspended and proposed February 11, 2025 to file an updated joint status report on the status of the cases. *Id.* at 3. The Court granted the parties’ request and ordered the parties to file “identical joint status reports in any remaining cases on or before **February 11, 2025**.” ECF No. 15.

The parties report that they are not yet in a position to dismiss the cases, but that they have made substantial progress toward this objective and anticipate they will be dismissed within the next 45 days.

Physical remediation work related to Case Nos. 24-645, 24-646, and 24-647 has been completed per the terms of the pre-litigation settlement agreements. Today, February 11, 2025, USACE issued a Letter of Acceptance for the work related to Case No. 24-645. Subject to the terms of the pre-litigation settlement agreement, the parties will now take steps to withdraw the related COFD and dismiss that case. As for Case Nos. 24-646 and 24-647, the parties are discussing whether additional submittal paperwork may be required, so USACE has not yet issued the Letters of Acceptance anticipated by the pre-settlement agreements associated with those matters. The parties anticipate Letters of Acceptance for work related to Case Nos. 24-646

and 24-647 will be issued within the next 45 days, which will allow the parties to dismiss these cases on or before March 27, 2025.

As indicated in prior status reports, remediation work for the other two matters—Case Nos. 24-624 and 24-648—remains ongoing and is expected to be complete by late 2025 (for Case No. 24-648) and mid-2026 (for Case No. 24-624). Per the Court’s suggestion, the parties have been working toward agreement on modifications to the existing pre-litigation settlement agreements so as to allow these matters to be dismissed. Specifically, the parties have conferred regarding approach, exchanged drafts, and provided comments on the drafts. Because this process also requires coordination between the Department of Justice and USACE, the parties anticipate reaching agreement on the modifications within the next 45 days, which will allow the parties to dismiss these cases on or before March 27, 2025.

Accordingly, because the parties anticipate that all five cases will be dismissed on or before March 27, 2025, the parties propose the Court issue an order directing them to file an identical joint status report on March 27, 2025 in any case that has not been dismissed by that date, with the United States’ deadline to respond to the complaints to remain suspended. In the alternative, if the Court denies this request, the parties request that the Court enter an order directing the United States to respond to any pending complaint on or before March 27, 2025, if the case is not dismissed by that date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Willis', with a large, sweeping flourish at the bottom.

Grant H. Willis
Ryan P. McGovern
Robyn B. Celestino
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Telephone: (202) 879-3847
Facsimile: (202) 626-1700
ghwillis@jonesday.com

Peter Laun
Tatum Lowe
JONES DAY
2727 N. Harwood St.
Dallas, TX 75201
Tel: (214) 969-4808
Facsimile: (214) 969-5100

*Counsel for Plaintiff PCCP Joint Ventures,
LLC*

MICHAEL D. GRANSTON
Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

/S/

MARTIN F. HOCKEY, JR.
Deputy Director

/S/

ERIC E. LAUFGRABEN
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Tel: (202) 353-7995
Email: Eric.E.Laufgraben@usdoj.gov

Attorneys for Defendant

February 11, 2025